

Appl. No. 09/675,533
Amdt. dated March 31, 2005
Reply to Office action of January 5, 2005

REMARKS/ARGUMENTS

Applicant has received the Office action dated January 5, 2005, in which the Examiner: 1) rejected claims 24-27 under 35 U.S.C. § 102(b) as being anticipated by Flammer (U.S. Pat. No. 5,465,398); 2) rejected claims 10, 12-15 and 17-19 as being unpatentable over Flammer and Roehr (U.S. Pat. No. 5,784,002); 3) objection to claims 11, 16 and 22 as being dependent upon a rejected base claim, but would be allowed if rewritten; and 4) allowed claims 1, 2 and 8 and claims 3-7 and 9 if all of the outstanding lack of antecedent basis is corrected.

With this Response, Applicant has amended claims 1, 3, 4, 7 and 9-17.

I. CLAIMS 1, 2 AND 8

Applicant would like to thank the Examiner for the allowance of claims 1, 2 and 8.

II. CLAIMS 3, 4, 5, 6, 7 AND 9

The noted antecedent basis issues with claims 3, 4, 7 and 9 have been addressed given the Examiner's constructive comments. As amended, claims 3, 4, 7 and 9 are believed to be in condition for allowance. Claims 5 and 6 which are dependent on claim 4 are believed to be in condition for allowance, given the correction of the antecedent basis issue in claim 4.

III. CLAIMS 11, 12, 13, 15, 16 AND 22

Claims 11, 16 and 22 which were objected to as being dependent upon a rejected base claim, have been rewritten in independent form including correcting the antecedent basis issues noted, and as amended are believed to be in condition for allowance. Claim 12 has been amended to now depend on claim 11, and as such is also believed to be in condition for allowance. Claim 13 which is dependent on claim 12, and claim 15 which depends on claim 13 are also therefore believed to be in condition for allowance.

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IV. CLAIMS 10, 14 AND 17-19

Applicant respectfully traverses the rejection of claim 10 in view of Flammer and Roehr references. Claim 10 recites in part "based on a predetermined power level known by the receiving node at which a training packet is transmitted to the receiving node..." This claim limitation requires that the receiving node know ahead of time the power level at which the training packet is being transmitted by a transmitting unit. The cited Flammer reference has been noted in the office action as teaching this claim limitation (see Office action, pg. 5, end of the page) where it states that Flammer teaches the noted claim limitation at col. 3, lines 32-33. There is no mention in Flammer that the target node 6 knows ahead of time the power level that the source transmitter 8 is transmitting its signals. As a matter of fact, Flammer discusses in col. 3, lines 27-28, that the source transmitter controller 9 can adjust the power level at which the signals are sent to the target node 6, no mention is made that the change in power level is communicated to the target node 6 as would be required so the power level would be "predetermined" as required by claim 10.

In the present invention the receiving node knowing the power level used by the transmitting node is used in one embodiment so that the receiving node can quickly determine the attenuation level caused by the transmission path (see application at page 13, lines 4-13). By comparing the power level of the training packet that is received at the receiving node as calculated by the receiving node versus the power level the receiving node knows the transmitting node transmitted the signal, the amount of attenuation to the signal is quickly determined by the receiving node. The Roehr reference taken individually or in combination with the Flammer reference also fails to teach or suggest the noted claim limitation. As such, claim 10 is believed to be in condition for allowance. Dependent claims 14 and 16-19 which add further nonobvious claim limitations are also believed to be in condition for allowance.

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V. CLAIMS 20, 21 AND 23

Claims 20, 21 and 23 are also believed to be in condition for allowance given the arguments made above regarding the claim limitation that the "transmitter control logic directs the transmitter signal processing logic to send a training packet to the receiving node at a predetermined power level known by the receiving node to enable the receiving node to specify a preferred transmission power level based on the predetermined power level of the training packet." Given that the cited Flammer reference fails to teach or suggest that the receiving node knows the power level of the training packet sent to it by the transmitting node, it is believed that claims 20 and claims 21 and 23 which add further nonobvious claim limitations to independent claim 20 are believed to be in condition for allowance.

VI. CLAIMS 24-27

Claims 24-27 are also believed to be in condition for allowance, given the Flammer's reference failure to teach or suggest the receiving node knowing predeterminingly the power level at which the training packet was transmitted, as discussed above. Given this, it is believed that claims 24-27 are in condition for allowance.

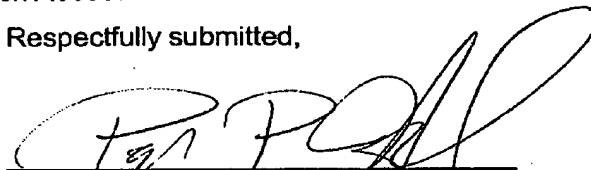
In the course of the foregoing discussions, Applicant may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

Applicant respectfully requests reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are

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hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,



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